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In re Application of	:	PATENT
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Helmut Mertens et al.	:	
	:	
Serial No.:10/519,471	:	Art Unit: 1723
	:	
Filed: December 29, 2004	:	Examiner:
	:	
For: FILTER ELEMENT FOR FILTERING	:	
FLUIDS	:	

Dated: Oct 5, 2005

From the INTERNATIONAL BUREAU

**PCT**

**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

(PCT Rule 72.2)

To:

**BARTELS UND PARTNER  
PATENTANWÄLTE**

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70174 Stuttgart  
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Eingegangen: 24. MRZ. 2005

TERMIN .....

Date of mailing (day/month/year) 17 March 2005 (17.03.2005)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 40cdh/229090	
International application No. PCT/EP2003/005385	International filing date (day/month/year) 23 May 2003 (23.05.2003)
Applicant HYDAC FILTERTECHNICK GMBH et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, US

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO  
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Translation

PATENT COOPERATION TREATY

PCT/EP2003/005385



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40cdh/229090	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/005385	International filing date (day/month/year) 23 May 2003 (23.05.2003)	Priority date (day/month/year) 24 July 2002 (24.07.2002)
International Patent Classification (IPC) or national classification and IPC B01D 29/90, 29/92		
Applicant HYDAC FILTERTECHNICK GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 November 2003 (21.11.2003)	Date of completion of this report 29 September 2004 (29.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/005385

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-14 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-10 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/05385

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	3-7, 9, 10	YES
	Claims	1, 2, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following documents:

D1: US-A-4 204 967 (BANNISTER ALAN S) 27 May 1980  
(1980-05-27)

D2: DE 196 26 196 A (SARTORIUS GMBH) 2 January 1998  
(1998-01-02)

## 1. Novelty and Inventive Step

1.1. Documents D1 and D2 both disclose support bodies for cylindrical filter elements having helical paths to divert the fluids toward or away from the filters, the channels flowing straight into each other and being free of multiple turns.

1.2. It is not clear from the current claim 1 that the ribs forming the channels are supposed to extend continuously over the entire length of the filter element. Longitudinal ribs that are discontinuous and thus only partially surround the support element are known from document D1 (see D1, column 1, lines 30-50 and figures 1 and 2). The subject matter of claims 1 and 2 is thus not novel (PCT Article 33(2)).

1.3. Claim 8 is unclear (PCT Article 6), since it refers directly to claim 1 in which only one filter element is defined. It is obvious that this one filter element, taken alone, has "an identical length". The intended restriction seems meaningful only when used in the context of a plurality of filter elements. The "identical length" in just one filter element can also be found in D1 (PCT Article 33(2)).

Additionally, it is not clear what surprising effect is achieved by at least 20 channels (claim 10). The number of channels is not disclosed explicitly in document D1. At least a plurality of channels in the same range of angles can be seen in the drawings (see D1, figures and column 8, lines 3-6). Since defining the number of channels does not appear to have achieved any additional technical effect, the subject matter of claim 10 does not involve an inventive step (PCT Article 33(3)).

Since the angles known from document D1 fall within the range of angles mentioned in the present application, the question arises of what problem is solved, even if continuous channels are used.

1.4. The angular position of the channels is not explicitly defined in document D2, but on the basis of the drawings it is about 25°, which lies within the range mentioned in the present application. The question of whether the channel only partially surrounds the support element is merely a question of the length of the filter element, which is not unequivocally clear in figure 3 of D2. Either the filter element is short enough that it cannot completely surround the support element - D2 would be considered prejudicial to novelty in this case (see D2, column 2, lines 7-35 and figures 2 and 3) (PCT

Article 33(2)) - or the support element is completely surrounded, in which case the question of inventive step arises, since the angular position of the channels to the longitudinal axis appears to be identical, which results in an identical fluid flow (PCT Article 33(3)).

## 2. Industrial Applicability

Industrial applicability is apparent.

## 3. Observations

Claim 1 has been duly drafted in the two-part form, but a number of features should not have been included in the characterizing part, since they were disclosed in documents D1 and D2 in conjunction with the features indicated in the preamble (PCT Rule 6.3(b)).